

EXHIBIT A

Aron-

Given the time issues in this case and the upcoming initial case management conference, we are not in a position to grant your extension request at this time. We will expect cross-defendants/third party defendants to respond to our amended complaint under the time limits outlined in the court rules.

Thank you.

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From: Frakes, Aron [mailto:ajfrakes@mwe.com]
Sent: Tuesday, April 15, 2008 3:17 PM
To: Kevin Martin
Cc: Chronis, Paul; Alberti, Dan; Alan Martini
Subject: RE: Vesta Strategies, LLC, et al. v. Estupinian, et al.

Mr. Martin,

Your offer to "extend" our deadline to April 25 is not reasonable. In fact, it would actually shorten our time period in which to answer or otherwise plead. Our response is currently not due until April 28, 2008.

Your clients filed their new 13-count amended pleading on April 9, 2008. Under Rule 15(a)(3), we have 10 days after service of the amended pleading to respond to that amendment. Because the response period is less than 11 days, intermediate Saturdays and Sundays are excluded. See Rule 6(a)(2). Further, because the amended pleading was served via electronic means under Rule 5(b)(2)(E), 3 additional days are added pursuant to Rule 6(d). Thus, by court rule, we have until April 28, 2008 to file our responsive pleading.

Once again, we are simply seeking a short extension to May 9, 2008. We think that counsel have an obligation to cooperate on simple requests for an extension such as this, and offering a date that shortens our time period is not a reasonable compromise. Unless you will agree to our requested short extension today, we will have no choice but to file our motion for an extension.

Sincerely,

Aron Frakes

4/22/2008

Aron J. Frakes

McDermott Will & Emery LLP | 227 West Monroe Street | Chicago, Illinois 60606-5096

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From: Kevin Martin [<mailto:KMartin@randicklaw.com>]
Sent: Tuesday, April 15, 2008 3:28 PM
To: Frakes, Aron
Cc: Chronis, Paul; Alberti, Dan; Alan Martini
Subject: RE: Vesta Strategies, LLC, et al. v. Estupinian, et al.

Mr. Frakes-

By court rule, you have ten days to file a response to our amended claims. I am willing to extend that date to April 25 to receive a response. This way, I have your response on prior to the Initial Case Management Conference. I believe this is a reasonable compromise in this situation. Anything further will have to be taken up with Judge Ware.

Thank you.

From: Frakes, Aron [<mailto:ajfrakes@mwe.com>]
Sent: Tuesday, April 15, 2008 12:22 PM
To: Kevin Martin
Cc: Chronis, Paul; Alberti, Dan; Alan Martini
Subject: RE: Vesta Strategies, LLC, et al. v. Estupinian, et al.

Mr. Martin,

We do not believe that your e-mail is an accurate recitation of what has happened in the case to date. We had 60 days to respond to your clients' original counterclaim and "third party claims" by rule (rather than per your agreement) because we agreed to waive service of process. We then timely filed a motion to dismiss, a motion to strike, and an anti-SLAPP motion because your clients' claims were both procedurally improper and substantively deficient. Rather than responding to that motion, you filed an amended counterclaim and "third party claims" dropping numerous of those deficient claims, and adding certain others. Your clients have asserted 13 causes of action in the amended pleading.

We are simply asking for a reasonable amount of time to answer or otherwise plead in response to those 13 claims. We therefore respectfully ask that you reconsider your refusal to agree to that reasonable extension so that we do not have to bother the Court with a motion for an extension. Please let me know by the close of business today if you will grant us the professional courtesy of this extension.

Thank you for your anticipated further consideration of this issue,

Aron Frakes

Aron J. Frakes

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From: Kevin Martin [<mailto:KMartin@randicklaw.com>]
Sent: Tuesday, April 15, 2008 1:27 PM

4/22/2008

To: Frakes, Aron
Cc: Chronis, Paul; Alberti, Dan; Alan Martini
Subject: RE: Vesta Strategies, LLC, et al. v. Estupinian, et al.

Aron-

I am not in a position to grant such an extension. I had previously agreed to an extended period of time (60 days) for your clients to respond to the original complaint only to receive a demurrer and motion to strike on what I would characterize as principally procedural issues. We all know who the parties are in this matter and who should be in this case. Furthermore, I would like to have my case in chief in place in anticipation of the upcoming initial case management conference before Judge Ware.

I am sure you can appreciate my position on this issue.

Regards-

Kevin R. Martin

From: Frakes, Aron [mailto:ajfrakes@mwe.com]
Sent: Tuesday, April 15, 2008 9:29 AM
To: Kevin Martin
Cc: Chronis, Paul; Alberti, Dan; Alan Martini
Subject: Vesta Strategies, LLC, et al. v. Estupinian, et al.

Dear Mr. Martin,

I am writing on behalf of Vesta Strategies, LLC and the other third party defendants to respectfully request some additional time to answer or otherwise plead in response to the first amended counterclaim and third-party complaint that you filed on April 9, 2008. Specifically, given the number of claims asserted and our other various professional commitments, we ask that Vesta Strategies, LLC and the other third party defendants be given until May 9, 2008 to answer or otherwise plead. Please let me know if you will agree to this reasonable extension. We appreciate your anticipated professional courtesy in this regard.

Thank you,

Aron Frakes

Aron J. Frakes
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